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91 Wis. 500, 65 N. W. 181. This rule, however, has been changed by statute in one state. 2 WIS. STAT., 1898, § 4060. Another court denying recovery regards the witness as at fault, on the ground that the committing magistrate must have found him to be a person who could not be trusted to discharge his duty to the state by appearing voluntarily. *Markwell v. Warren County*, 53 Ia. 422, 5 N. W. 570. The courts followed in the principal case regard him as more unfortunate than at fault, and hold the confinement to be constructive attendance within the statute. *Hall v. County Commissioners of Somerset County*, 82 Md. 618, 34 Atl. 771; *Robinson v. Chambers*, 94 Mich. 471, 54 N. W. 176. It would seem fair, apart from the question of statutory construction, that the witness, if he can prove himself not at fault in failing to secure bail, should recover for the time of imprisonment.

BOOK REVIEWS.

THE RECORDS OF THE FEDERAL CONVENTION OF 1787. Edited by Max Farrand. In three volumes. New Haven: Yale University Press. 1911. pp. xxv, 606; 667; 685.

Here is presented, in the first two volumes, a convenient and painstaking view of the various contemporaneous accounts of the proceedings of the Federal Convention. The plan is to present day by day the various accounts. The official Journal is always placed first. Next comes Madison. The fragmentary records of Yates, King, and others follow. The editor has frequently found it difficult to determine what is the proper text of the Journal and of Madison; and numerous foot-notes indicate the more important points of textual criticism. It is explained that there is frequent difficulty in attaching to the proper questions the Journal's tabular records of yea and nay votes; and the embarrassment is obvious from a glance at the photograph opposite page 32 of the first volume. The difficulties as to Madison's Debates are obvious both from the annotations in these volumes and from the typographical devices adopted long ago in the third volume of the United States Government's Documentary History of the Constitution. The editor says truly enough that as to both the Journal and Madison there is opportunity for error; but an examination of these volumes shows that here the chance of error has been reduced to a minimum. Both for the care exercised and for the convenient arrangement of the text the editor will receive the thanks of all persons who realize how easy it is to prepare volumes of this sort in a way that exasperates.

The third volume consists of appendices and indices. The first appendix presents more than four hundred extracts throwing light upon the proceedings and persons of the Federal Convention; and beyond question these extracts — for example those on pages 87 and 232 giving character sketches of the delegates — contain the matter that will most easily appeal to the general reader. The other appendices present, among other things, the Virginia Plan, the Pinckney Plan, the New Jersey Plan, and the Hamilton Plan. These plans are accompanied with comments and annotations. When the editor has done so much, it may seem like unreasonable overreaching to intimate a regret that he did not indicate his reasons for ignoring Nott's "The Mystery of the Pinckney Draught." After the appendices comes the "Index by Clauses of the Constitution." This may well be deemed the key to the whole work and the editor's greatest aid to the investigator; for here, clause by clause, are references to all the places where the three volumes throw light upon the several topics. The volume ends with a General Index, which, besides aiding in the

use of the other index just now described, makes it easy to find allusions to persons and especially to trace the work of each delegate.

From what has been said, it should be clear that these three volumes are indispensable to anyone who is searching at first hand for any fact as to the transactions of the Federal Convention. The Convention itself did all that it could to keep its discussions and votes secret; and now almost a century and a quarter later these volumes reverse the process and with great ingenuity do all that can be done to make each step of the proceedings public.

CRIME: ITS CAUSES AND REMEDIES, Being Volume 3 of the Modern Criminal Science Series. By Cesare Lombroso. Translated by Henry P. Horton. Boston: Little, Brown and Company. pp. xlvī, 451.

In this day of general complaint over the administration of the criminal law, it is cause for congratulation that such a body of men as comprise the American Institute of Criminal Law should have undertaken the task of guiding reform, not by haphazard experimentation, but by scientific methods. The present translation cannot properly be regarded as an isolated work, but as part of a series designed, as the committee of the Institute on translations states, to "furnish the American student of criminal science a systematic and sufficient acquaintance with the controlling doctrines and methods that now hold the stage of thought in Continental Europe."

One cannot discuss Lombroso's writings other than as a whole, and as a whole showing the way toward a revulsion from the tenets of the so-called classical school of criminologists, which measured punishment by the crime, not the criminal. Lombroso's works are epochal in outlining the idea of individualization of punishment, and the search for causes of crime, with a view to prevention and repression. While the distinction may seem trite enough to criminologists, its significance is so little appreciated by the American public, and so little even by the American bar as a whole, that restatement is still permissible. How far the subordination of the individualization concept to the necessity of social defense against crime may cause the pendulum of the future to swing back in this country will depend much upon the enlightenment and wisdom of those who make daily practice of the modern theory on the bench and at the bar.

The present work is described by the author as a supplement to his earlier work — "The Criminal Man." Many of his readers will deem it, rather, an amendment, but it is at least just to say that his earlier views have been finally adjusted, the earlier work having given disproportionate weight to anthropological data supposed to confirm his first theory that crime denotes atavism. The present work enlarges upon social and physical influences, which in the trend of modern thought are assuming much the larger importance.

The first half of the work deals with the ætiology of crime, successive chapters being devoted to the influences of climate, geology, race, civilization, density of population, subsistence, alcoholism, education, economics, religion, heredity, age, sex, and other specific contributing causes. The wealth of data available for these studies in Continental Europe is calculated to impress the American reader with the relative paucity of such information available in this country. It is much to be desired that the systematic beginnings of scientific compilation of judicial criminal statistics made in the censuses of 1903 and 1910 may continue.

It is in the second half of the work, however, that the American reader will find his chief interest. It is in two parts, the first dealing with the prophylaxis and therapeutics of crime, the second with synthesis and application. The first